

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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RANDOLPH DON RUOSS,

Plaintiff,

v.

HEIDI F. EAKIN, et al.,

Defendants.

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CIVIL ACTION

No. 07-cv-0677

**ORDER**

**AND NOW**, this 25th day of January, 2008, upon consideration of the plaintiffs' Motions to Stop Payments in Civil Action (Docs. #17 and #19), it is **ORDERED** that these motions are **DENIED**.<sup>1</sup>

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<sup>1</sup> On May 22, 2007, Honorable Clifford Scott Green dismissed and terminated this prisoner civil rights action. Pro se plaintiff Ruoss now moves for this Court to stop payment required by 28 U.S.C. § 1915.

Ruoss claims that he was unaware of the continuing obligation to make payments under 28 U.S.C. § 1915 even if his case were to be dismissed. But the Application to Proceed In Forma Pauperis (Doc. #1) signed by plaintiff on February 20, 2007 states "I understand that the granting of in forma pauperis status does not waive payment of the full filing fee." Moreover, the March 9, 2007 order granting plaintiff's application (Doc. #2) states that Ruoss "*shall* pay the filing fee of \$350 pursuant to 28 U.S.C. § 1915(b)," and "until the full filing fee is paid, the Superintendent or other appropriate official at SCI-Somerset or at any prison at which plaintiff may be confined, *shall* deduct from plaintiff's account, each time that plaintiff's prisoner account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month" (emphasis added). This order was mailed to Ruoss on March 12, 2007.

Regardless of Ruoss' misunderstanding, the Court has no discretion to end payment obligations after a plaintiff has applied for and been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(b)(2) ("After payment of the initial partial filing fee, the prisoner *shall* be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner *shall* forward payments from the prisoner's account... *until the filing fees are paid.*") (emphasis added). See also *Booth v.*

s/Anita B. Brody

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ANITA B. BRODY, J.

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*Churner*, 206 F.3d 289, 298 n.9 (3d Cir. 2000) (noting that 28 U.S.C. § 1915(b) “discourages inmates from filing frivolous suits by *forcing* inmate-plaintiffs proceeding in forma pauperis to pay court costs and filing fees.”) (emphasis added).